

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: NEUHAUS, Ekkehard et al.
INTERNATIONAL APPLICATION NO.: PCT/EP99/03292
SERIAL NO.: 09/674,768
CONF:
FILED: 8 November 2000
FOR: TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY
OF A PLASTIDIAL ADP/ATP TRANSLOCATOR

PETITION UNDER 37 CFR 1.487(d)

PCT Legal Office
Assistant Commissioner for Patents
Washington, D.C. 20231

November 13, 2001

Attn: Leonard E. Smith/Dinh X. Nguyen

01/20/2002 5:00:00 PM 00000005 022448 09574766
01 FC:122 130.00 CN

Sir:

In a communication dated 12 September 2001 the USPTO advised that Applicants' Response to Notification of a Defective Response – Notification of a Defective Oath or Declaration filed on April 24, 2001 was dismissed as applicant failed to follow the proper procedure to correct inventorship. Applicant was advised to follow the procedure set forth under 37 CFR 1.497(d) and submit within 2 months of 12 September 2001: (1) a statement from each person being deleted as an inventor that the error in inventorship occurred without deceptive intent on his or her part; (2) an oath or declaration by the actual inventors; (3) the processing fee set forth in 1.17(i); and (4) if an assignment has been executed by any of the original inventors, the written consent of the assignee.

Applicant hereby submits the documents referenced in items (1) – (4) above and respectfully requests that the petition be reconsidered on the merits. Because 12 November

2001 was a U.S. Federal Holiday and this is considered a national stage application,
Applicant submit that these documents have been timely submitted.

If there are any questions still to be resolved on this matter, the appropriate U.S.
Patent and Trademark Office (USPTO) personnel are requested to contact Leonard Svensson
at (714) 708-8555.

The Commissioner is hereby authorized to charge the 37 CFR §1.17 petition fee of
\$130.00 to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent and future
replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for
any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly,
extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: Kalpana Reddy #46,183
for Leonard R. Svensson
Registration No. 30, 330

P.O. Box 747
Falls Church, VA 22040-0747
(714) 708-8555

LRS/KR/clh

Enclosures: Statement of the Deleted Inventors
Declaration of the Actual Inventors
Written Consent of the Assignee
Assignments

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail, postage prepaid, in an envelope to:
Commissioner of Patents and Trademarks, Washington

D.C. 20231 on: 11-13-01
(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

[Signature]
(Signature)
November 13 2001
(Date of Signature)

- ☒ Petition fee of \$130.00 pursuant to 37 C.F.R. §§ 1.17.
- ☐ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is(are) enclosed.
- ☒ Please charge Deposit Account No. 02-2448 in the amount of \$130.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Kalpana Reddy # 46,183
for Leonard R. Svensson, #30,330
P.O. Box 747
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(703) 205-8000

LRS/KR/clh
0147-0215P

ATTACHMENT

(Rev. 09/27/01)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner of Patents and Trademarks, Washington

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BIRCH, STEWART, KOLASCH & BIRCH, LLP

[Signature]
(Signature)
November 13, 2001
(Date of Signature)